In the High Court of Punjab and Haryana, Chandigarh.

C.W.P.No.16918 OF 2006

Date of Decision: 21.11.2006

Dr.Nisha Sanghwan …Petitioner.

Versus

Chaudhary Cahran Singh Haryana Agricultural University, Hisar & Others.

…Respondents.

CORAM: HON'BLE MR.JUSTICE M.M.KUMAR
HON'BLE MR.JUSTICE M.M.S.BEDI

Present: Mr.J.K.Sibal, Sr.Advocate with
Mr.Sapan Dhir, Advocate for the
Petitioner.

Mr.Girish Agnihotri, Advocate for the
Respondents No.1 & 2.

Mr.Raj Kumar Sharma, Advocate for the
Respondent No.3.

JUDGMENT

M.M.KUMAR, J. (ORAL)

The petitioner was selected in pursuance to an advertisement dated 28.6.2004 (Annexure P1) issued by the

Professor & Head, Clothing & Textile, Chaudhary Charan Singh Haryana Agricultural University, Hisar. According to the advertisement, the duration of the post of Senior Research Fellow was three months (to be continued). After selection, the petitioner joined on 20.7.2004 (Annexure P2). She was granted extension by the Professor & Head, Clothing & textile upto the end of the project as she was working in the Scheme C(b)CT-5-ICAR-5503 under the Principal Investigatorship of Mrs.Nirmal Yadav, Professor & Head, Clothing & Textile. The Indian Council of Agricultural Research issued a clarification on 4.1.2002 (Annexure P7) that Research Associate/Research Fellows working in the various adhoc projects operating in various ICAR Institutes/Universities are to be given preference for appointment over fresh candidates while engaging Research Associates/Research Fellows in the new projects subject to their suitability and good conduct. The services of the petitioner have been terminated on 31.10.2006 (Annexure R4) on the ground that the project has come to an end and no extension has been granted by the Indian Council of Agricultural Research as is evident from the notice of termination dated 20.10.2006 (Annexure P6). It has been given out by placing reliance on the letter dated 7.7.2006 (Annexure P15) that recommendations have been made by the Professor and Head, Department of Clothing & Textile of Chaudhary Charan Singh Haryana Agricultural University, Hisar, for extension of project with one Senior Research Fellow and the aforementioned proposal is still under consideration. It is

appropriate to mention that the letter dated 7.7.2006 (Annexure P15) has been placed on record along with Civil Misc.Nos.19411 & 19412, respectively.

After hearing learned counsel for the parties at some length, we are of the considered view that no mandamus can be issued to the respondent to continue the services of the petitioner especially when the stand taken by the learned counsel for the respondents is that the project has come to an end. However, if the Indian Council of Agricultural Research, respondent No.3 decides to extend the project as per the proposal sent vide letter dated 7.7.2006 (Annexure P15) then according to the instructions dated 4.1.2002 (Annexure P7) the petitioner should be accorded preference in the same project or any other project subject to her suitability and good conduct. The aforementioned observations have been made in pursuance to the judgment of the Supreme Court in the case of **"Rajender and others Vs. State of Rajasthan and others" (1999) 2 SCC 317**. In that case while dismissing the petition, it has been observed as under:

> "When posts temporarily created for fulfilling the needs of a particular project or scheme limited in its duration comes to an end because the need for the project comes to an end either because the need was fulfilled or the project had to be abandoned wholly or partially for want of funds, the employer cannot by a writ in the nature of Mandamus be directed to continue employing such employees".

In view of the above, the writ petition is disposed of in the above terms.

(M.M.KUMAR)
Judge

November 21, 2006 **(M.M.S.BEDI)**
dkb **Judge**